

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION No. 04CV10569JLT

KELLY HARMUTH,

Plaintiff,

v.

CONTINENTAL CASUALTY COMPANY,  
CNA INSURANCE COMPANIES, &  
SBLI GROUP DISABILITY PLAN,

Defendants.

**JOINT MOTION TO ENLARGE BRIEFING SCHEDULE**

Pursuant to Fed. R. Civ. P. 6(b) and Fed. R. Civ. P. 12(a), the parties to the above-mentioned matter, Plaintiff Kelly Harmuth and Defendants Continental Casualty Company, CNA Insurance Companies and SBLI Group Disability Plan (hereinafter collectively referred to as "Defendants") jointly move to extend the Court-established summary judgment briefing schedule until January 20, 2006. As grounds for this motion, the parties state as follows:

- 1) The parties have agreed to mediation in an attempt to resolve this matters and requested referral to the District Court Alternate Dispute Resolution Program.
- 2) The parties have been advised by the Court that mediation of this matter has been scheduled for December 6, 2005.

- 3) In the even mediation is unsuccessful, the parties will need 45 days (given the holiday season and planned vacations) to submit briefs to the Court on summary judgment.
- 4) All parties agree to this schedule and none of the parties will be prejudiced if the schedule is approved.

WHEREFORE, the parties request that this motion be granted.

Respectfully submitted,

By: /s/ Mala M. Rafik

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